

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

**RULING: Defense Motion
To Compel #3**

14 September 2012

At issue before the Court is a Defense motion to compel the Government to produce that portion of 1374 emails regarding the accused's confinement at Marine Corps Base Quantico (MCBQ) that has not been disclosed to the Defense. The Government has disclosed approximately 684 of the emails to the Defense. Some of the remaining emails are illegible.

The Government opposes release of the undisclosed emails to the Defense on the grounds that they are not relevant or material to the preparation of the defense because they address (1) public affairs matter, to include discussions of media articles and preparation of responses to media inquiries, including responses to media reports by the New York Times and Frontline; (2) protesters at MCBQ to include discussions of upcoming protests, the number of protestors, and plans to respond to protests; (3) discussions of operational impact on the Pretrial Confinement Facility at MCBQ based on projected detainees, the Defense Base Realignment and Closure Commission (BRAC); (4) providing and funding mental health professionals to include discussions of the extent of each Service's financial obligations; (5) administrative coordination, to include ensuring detainees, including the accused, had the proper uniform; (6) discussion of the accused's "chasers"; (7) discussions of the definitions of MCBQ regulations regarding visits and statements of changes the accused made to his visitation list; (8) editing drafts of proposed documents to include responses to media inquiries; (9) discussions of visits of officials to MCBQ unrelated to the accused; and (10) discussions of complying with the Health Insurance Portability and Accountability Act (HIPPA). The Government has not asserted a privilege regarding the disclosure of the emails.

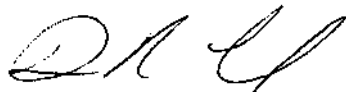
On 28 August 2012, the Court ordered the Government to produce the undisclosed legible emails to the Court for *in camera* review in accordance with (IAW) RCM 701(g). The Court has conducted an *in camera* review of the undisclosed legible emails and rules as follows

ORDER: No later than **18 September 2012**, the Government shall disclose all of the undisclosed legible emails to the defense except the following emails listed by Bates numbered pages which either refer to subject matter unrelated to U.S. v. Manning or are not material to the preparation of the defense or relevant to the Article 13 motion pending before the Court:

Bates numbers not required to be disclosed:

00063781- 2
00063857-9
00065548-54
00065733-4
00067063
00067291-93
00067974-5
00068205
00068433-40
00069557-8
00069565-71
00070654-58

SO ORDERED this 14th day of September in chambers.

A handwritten signature in black ink, appearing to read 'DRL', is positioned above the printed name.

DENISE R. LIND
COL, JA
Chief Judge, 1st Judicial Circuit